

IN The District Court of the United States
for the Middle District of Alabama
Northern Division

RECEIVED

Douglas E. Stevenson, # 228063
Petitioner

2006 DEC 21 A 9:32

CEDRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

-VS-

Gwendolyn Mosley, et. al
Respondents

Re: Civil Action

Case No. 1:06-CV-898-MEF
(WO)

Objection And Reply to the
Magistrate's Recommendation

Come now Petitioner Douglas Edward Stevenson, pro se pursuant to the United States Magistrate's Delores R. Boyd's Nov. 28th 2006. Report and recommendation in regards to the above referred to cause and Petitioner Reply and objections will plainly show:

1. The Petitioner objects to the entire Recommendation of the magistrate, who Petitioner states failed to state the facts of this cause accurately and slanted issue out of test to favor the Respondents as will be shown.

1. First, the facts of this case is What Petitioner Was Never Personally Served with a Governor's Warrant of any kind by any Person or Authorized Person.
2. The Governor's Warrant at issue is not in any name Petitioner ever used.
3. Petitioner received Verification in Writing from prison officials and State officials of the State of New Jersey, that they have no Warrant of any kind for Petitioner here.
4. The magistrate has been sent a copy of official Notifications of the fact that there is no Warrant on record against petitioner Stevenson and that the alleged fugitive escapee mistakenly thought to be Petitioner Douglas E. Stevenson has been captured and has been returned to the Prison System in New Jersey, See exhibit one entry dated 6-25-03.

Objections

5. Petitioner objections to the distorted facts outlined on the first page - First para. of said recommendation, because there has never been a detainer Warrant of any kind filed against Douglas Edward Stevenson, and that fact has been

and is the core of petitioner Douglas Edward Stevensons Challenge and request here for an injunction - preventing the Alabama officials from holding petitioner after the expiration of his present prison sentence for extradition to the state of New Jersey. Petitioner's previous exhibits has shown this. Which the courts has this on file.

6. Documentation from the Case Action Summary Sheet of the Houston County Circuit Court, Case No: DC-02-1939.00 dated 6-25-03 That New Jersey having picked up the Defendant, Case is hereby dismissed. Proof of exhibit is already on file with this court. Will clearly show the illegal detainer warrant issued against this petitioner, And to this date, Alabama prison officials refuse to heed that fact and the reason for this request for injunctive relief,

7. It is true that petitioner is seeking a preliminary injunction, but the magistrate's reasoning and findings of facts of this cause is completely erroneous to the point of being ridiculous as petitioner has established that there had been a mistaken identity by New Jersey officials as a review of the previous documents fully shows. Please see those exhibits from or by New Jersey prison officials

Also, this mistaken identification Governor's Warrant Information identification was listed as David Thomas, A.K.A. Edward Stevenson Douglas. Not this present petitioner Douglas Edward Stevenson. Why is it so hard for Alabama officials to understand or comprehend that there was a mistaken identity involved in this case and New Jersey does not want this petitioner!

Petitioner does not object to the magistrate's argument under the heading on page 2., Discussion and petitioner argues here that he has more than established the 4 prerequisites necessary in order to be granted such an injunction in that one Petitioner has established beyond a doubt that there had been a mistaken identity involved in the wrongful detention filed against him.

A review of previous exhibit sent to this court dated 7-13-06 from the State of New Jersey's Department of Corrections also establishes that the D.O.C. in New Jersey has No record of any kind on or for Petitioner Douglas Edward Stevenson.

Petitioner Douglas E. Stevenson, has been striving diligently from the start to prove there is and was a mistaken identity involved in the illegal detention at issue.

and even though the State Prison officials in particular Petitioner's Classification Officer in Easterling was shown and given a copy of the Courts order dismissing the detainer filed against this petitioner. They illegally and arrogantly refuse to pay attention to or heed that Court order. See once again the attached exhibit _____.

The Second part of the prerequisites cause for injunctive relief is easy to establish in that Petitioner is a pauper without funds of any kind and No one to assist him if he is stranded in New Jersey, once they immediately release Petitioner - When he arrives on their door step - because they have No Warrants of any kind for Petitioner here. So the harm there is self-explanatory.

The Third part of the 4th prerequisites the magistrate argued on Page 2, is also met by Petitioner, in that the harm being suffered now and will if he is transported to the State of New Jersey is Stated above and all the harm suffered will be on Petitioner alone on the State.

The Third Prerequisite Section of the Necessary Claims to warrant Preliminary injunction is also met because such an injunction would definitely be in the interest of Public as the public demands not only equal protection of the substantial due process but fair judicial proceeding - denying Petitioner injunction relief would so contrary to well established judicial proceeding. Petitioner has already been punished illegally for the last three years by being denied access to lesser custody classification and denied right to be considered for transfer to a minimum custody institution. And even denied access to Work Release Camp or institute prios to release camp or institute prios to release so that when he is released, he would have sufficient financial aid to carry him over to the point in time when he would receive his first pay check from a legitimate employment and don't forget - it would be in the interest of the public for Petitioner to be sent to Work Release where the cost for his incarceration is taken off State and pick up by Petitioner himself.

Petitioner objects to the Magistrate's statements on page three, who distorted facts to justify her recommendation, as she stated in the main paragraph third line quotes the Governor of the State of New Jersey issued a warrant for the surrender of David Thomas, who is also known as Douglas Edward Stevenson. To New Jersey law enforcement officials immediately upon this inmate's release from the Alabama Department of Corrections. That is a false statement or plainly stated it is a distorted statement, as Petitioner has already established through previous exhibits. And the magistrate herself clearly acknowledged through documentation exhibits that "New Jersey picked up the person who is known as David Thomas." That person is back in the state of New Jersey. See the Honorable Magistrate Acknowledgement to this as Attached Exhibit # 2.

Conclusion

Wherefore premises Considered in opposition to the U.S. Magistrate's Report and Recommendation, petitioner is entitle to the benefit of a doubt before his cause at bar Should be dismissed and fairness to the public interest as well as to this innocent victim of mistaken identity Petitioner request that the Court Clerk review all exhibits in this Case at Bar and enter its decision on the results of the evidents Marked as Exhibits.

It is so prayed

Respectfully Submitted

Douglas Edward Stevenson

Douglas Edward Stevenson, pro se
A.I.S. # 228063 - 7-B-48

Bentonville Corr. Facility

200 Wallace Drive

Clay, Alabama 36017

Subscribed to and Sworn
to on December 5th 2006

Douglas E. Stevenson
Notary Public

DONALD SIMMONS
Notary Public, AL State at Large
My Comm. Expires Aug. 3, 2009

My Commission expires on

Certificate of Service

Douglas E. Stevenson herein avows and states that a true copy of the foregoing attach objection and reply to the Magistrates Recommendation in Case no; 1:06-CV-898-MEF (WO). is being sent by regular U.S. mail to Attorney Mr. John Peter for the defendants or them personally on this December 5th 2006.

Douglas E. Stevenson
Douglas Edward Stevenson
Affiant Plaintiff pro se
Easterling corr. Facility

Subscribed and sworn to before
me a Notary Public
on this December 5th 2006

Donald Simmons
Notary

DONALD SIMMONS
Notary Public, AL State at Large
My Comm. Expires Aug. 3, 2009

My Commission expires on _____

my copy

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DOUGLAS E. STEVENSON, #228063,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:05-CV-271-F
)
GWENDOLYN C. MOSLEY, et al.,)
)
Defendants.)

O R D E R

Upon review of the responses filed by the plaintiff, Douglas E. Stevenson [“Stevenson”], on August 24, 2005, and for good cause, it is

ORDERED that on or before September 14, 2005 the defendants shall file a supplemental special report addressing the plaintiff’s argument that the defendants knowingly relied on false information to determine his custody classification because the warrant issued by the State of New Jersey which the defendants utilized during the classification process has been dismissed by the District Court of Houston County, Alabama. Specifically, Stevenson argues that he advised defendant Hayes that the New Jersey warrant for various sex offenses had been “officially dismissed” by the state courts as “he was the subject of a mistaken identity and that the detainer was not an alias plaintiff ever used [and] belonged to another person. . . . [T]he Case Action Summary Sheet [from Houston County] . . . plainly states that the State of New Jersey has picked up the person

who[se] name is David Thomas . . ." *Plaintiff's August 24, 2005 Response - Court Doc.*
No. 20 at 3.

Done this 30th day of August, 2005.

/s/ Delores R. Boyd
DELORES R BOYD
UNITED STATES MAGISTRATE JUDGE

IN The United States District Court for the Middle
District of Alabama Southern Division

Douglas E. Stevenson, pro se
Petitioner

-VS-

Gwendolyn Mosley, et al
Respondents

Re: HABEAS CORPUS ACTION
State Court Case Numbers
02-165-62. 02-1166-62.
02-163-62. 02-1169-62.
02-1170-62.
Case herein; No. # 1:06-CV-848
And
2:05-CV-271-E.

Motion For Discoveries

Come now Plaintiff Douglas Edward Stevenson, pro se with legal assistance from inmate John Strong. Pursuant to the appropriate Discoveries Rule in this case at bar, herein files and submits his Discovery directing the defendants and their agents to submit a True and Complete Copy or Copies of the original Documents of New Jersey's Governor's Warrant filed in Alabama against Plaintiff Douglas E. Stevenson. And the Address where it was mailed or faxed from and To.

Certificate of Service

Douglas E. Stevenson, herein avows and States that a true copy of the foregoing attach Discovery action in case No. 2:05-CV-271-f. is being sent by regular U.S. mail to the Attorney for the defendants. At his listed Address.

Mr. Jeffery Long
Assistant Attorney General
Alabama State House
11 South Union Street
Montgomery, Alabama 36130-0152

On November 30th 2006

L.S./Dough E. Stevenson
Douglas Edward Stevenson, Prose

A.I.S. No. 228063 - 7-B-48
Fosterling Correctional Facility
200 Wallace Drive
Clrd. Alabama 36017

Subscribed and Sworn to before me
a Notary Public on November 30th 2006

L.S./Donald Simmons
Notary

My commission expires on

DONALD SIMMONS
Notary Public, AL State at Large
My Comm. Expires Aug. 3, 2009